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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 RITA CAGLIOSTRO,

11 Plaintiff,

12 v.

13 FORREST R. COLLINS,

14 Defendant.
15

Case No. C18-425RSM

ORDER DIRECTING PLAINTIFF TO
AMEND COMPLAINT

16 *Pro se* Plaintiff Rita Cagliostro has been granted leave to proceed *in forma pauperis* in
17 this matter. Dkt. #2. The Complaint was posted on the docket on March 27, 2018. Dkt. #3.
18 Summons has not yet been issued.

19 Ms. Cagliostro, a Washington State resident, brings this action against Forrest R.
20 Collins, an attorney located in Oregon. Dkt #3 at 1–2. The Complaint appears to be lacking
21 facts and causes of action. Under “Statement of Claim,” Ms. Cagliostro has written only “See
22 Brief.” *Id.* at 4. There is no additional briefing, attached or otherwise, on the docket.
23 Although Ms. Cagliostro claims damages in excess of \$75,000, there are no facts to support
24 these damages.
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27 To establish subject matter jurisdiction on the basis of diversity, the plaintiff must show
28 an amount in controversy in excess of \$75,000. 28 U.S.C. § 1332. Federal Rule of Civil

1 Procedure 12(h)(3) provides that the Court must dismiss an action if it determines, at any time,
2 that it lacks subject matter jurisdiction. This issue can be raised *sua sponte*. Furthermore, the
3 Court will dismiss a Complaint at any time if the action fails to state a claim, raises frivolous or
4 malicious claims, or seeks monetary relief from a defendant who is immune from such relief.
5 *See* 28 U.S.C. § 1915(e)(2)(B).
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7 As it currently stands, Ms. Cagliostro does not support her claims with sufficient facts
8 to establish a claim, or reference any cause of action or legal basis for her suit. Ms.
9 Cagliostro's Complaint suffers from deficiencies that, if not corrected in an Amended
10 Complaint, require dismissal. *See* Fed. R. Civ. P. 12(h)(3); 28 U.S.C. § 1915(e)(2)(B).
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12 Accordingly, the Court hereby ORDERS that Plaintiff shall file an Amended Complaint
13 **no later than twenty-one (21) days from the date of this Order.** In the Amended Complaint,
14 Plaintiff must include a short and plain statement demonstrating to the Court that there is a
15 legal basis for her claims and subject matter jurisdiction for this Court. Failure to file this
16 Amended Complaint will result in dismissal of this case. The Clerk shall send a copy of this
17 Order to Plaintiff at 212 ALASKAN WAY S. #205 SEATTLE, WA 98104.
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19 DATED this 27 day of March, 2018.

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22 RICARDO S. MARTINEZ
23 CHIEF UNITED STATES DISTRICT JUDGE
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